

REMARKS

In view of the amendments proposed above, Applicant respectfully requests consideration of the following remarks.

Obviousness Rejections Under 35 U.S.C. § 103

To reject a claim or claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a prima facie case of obviousness. M.P.E.P. § 2142. When establishing a prima facie case of obviousness, the Examiner must set forth evidence showing that the following three criteria are satisfied:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. M.P.E.P. § 2142 (citing *In re Vaeck*, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)). Also, the evidentiary showing of a motivation or suggestion to combine prior art references "must be clear and particular." *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).

Obviousness Rejection Based on United States Patent 6,226,684 to Sung et al. in View of European Patent Application EP 0 969 630 to Tsukakoshi et al.

Claims 5-12, 39-45, and 72-78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent 6,226,684 to Sung et al. (hereinafter “Sung”) in view of European Patent Application EP 0 969 630 to Tsukakoshi et al. (hereinafter “Tsukakoshi”). Applicant respectfully traverses this rejection, as set forth below.

Neither Sung or Tsukakoshi, either individually or in combination, teaches a system or method including a router that is coupled with a number of dispatchers which, in turn, are coupled with a plurality of servers, wherein the router is coupled with a network (or in communication with the network) and all communications from clients on the network are received at the router. In regards to Tsukakoshi, the clustered router 11 includes a number of routers 12 and a router switch 13 (see FIG. 1); however, the router switch 13 is a router-to-router switch providing connections between the routers 12. See, e.g., Tsukakoshi, at paragraphs 0015 and 0021. The router switch 13 is not coupled with an external network and is not the receiving point for communications from clients on the network. Claims 5, 39, and 72 have been amended to clarify that all communications from clients on the network are received at the router.

As Sung and Tsukakoshi, either individually or in combination, fail to disclose at least the above-noted limitations of independent claims 5, 39, and 72, each of these claims is patentable in view of these references. Also, if an independent claim is nonobvious, then any claim depending from the independent claim is also nonobvious. M.P.E.P. §2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)). Therefore,

the dependent claims which depend from claims 5, 39, and 72, respectively, are allowable as depending from a nonobvious independent claim.

CONCLUSION

Applicant submits that claims 5-12, 39-45, and 72-78 are in condition for allowance and respectfully requests allowance of such claims.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the below date with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

Signature: Theresa Belland 08/09/06
Theresa Belland Date